

ON DECEMBER 10, 2015 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.

Members Present: Yovonda Hall, Bob Petersen, Bill Wilkey, Branden Anderson, Ralph Ballard, and Paul Farthing

Members Excused: Ryan Cashin and John Johnson

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber, and City Council Representative Darin Larson

The meeting was called to order by Bob Petersen at 6:00 p.m. The Pledge of Allegiance was led by Bob Petersen and Yovonda Hall offered the prayer. Roll call was taken.

Approval of agenda: Branden Anderson motioned to approve the December 10, 2015 agenda as posted. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye.

Bob Petersen opened the public hearing at 6:04 p.m. to take comments on the following proposed Land Use Code Amendment:

A proposed General Plan Map Amendment from "Multi-Residential Types" to "Single Family Residential" for property in Mesa View Subdivision, Sage Pointe Subdivision Phases 1 – 2, 4 lots in Green Acres North View Subdivision, and 8 lots north of 600 North in the same area as Mesa View and Sage Pointe subdivisions that are developed with stick built single family homes.

No comments from the public.

Bob Petersen closed the Public Hearing at 6:05 p.m. and the Public Meeting began.

2015-FP-08 Consideration and possible recommendation to the City Council on a final plat for the Canyon View Villas Phase 1 – Rick Christensen applicant

Toni Foran explained the applicant has agreed to change the name to Canyon View Villas instead of Villas at Canyon View to help with any confusion with the Villas at Sand Hollow. She stated they are still working through the declaration and covenants. She asked the Commissioners to include in their motion that this application will not go to the City Council until the final version has been received. Rick Christensen stating they are working with the CCR's and forming the HOA but they should have it done by Monday. *Yovonda Hall motioned to recommend approval of application 2015-FP-08 after the Declaration and Covenants have been finalized. Paul Farthing seconded the motion. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

2015-RD-01 Consideration and possible recommendation to the City Council on a road dedication plat for the realignment of 2170 West – Rosenberg Engineering

Charles Hammond, Excel Design, explained Rosenberg Engineering did the surveying in the area so it was more cost and time effective for them to do the engineering for this. He stated as it is currently dedicated it has a large S curve. He stated this comes into consideration with Brad Oliverson's proposed Assisted Living Center. He expressed gratitude to Arthur LeBaron and Hurricane City for their help on this project. He explained straightening out the road has a number of advantages; it allows Brad Oliverson to proceed with his application and instead of an S curve in will straighten out the road. He stated this is the first step for everyone to move

forward on developments on 2170 West. Branden Anderson asked why it didn't line up with the access across the road. Mr. Hammond stated it will. He explained the commercial drive across the road is a driveway approach and they have an agreement with the property owner to move it when this is changed so they align. Bob Petersen asked if the City had any comments. Toni Foran stated no. She stated Mr. Anderson's comment is something the City is working on. She explained the City will have to abandon the old section of the road to the property owners. *Branden Anderson motioned to recommend approval of application 2015-RD-01 to City Council. Ralph Ballard seconded the motion. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

2015-PSP-06 Consideration and possible approval of a preliminary site plan for townhomes at 2480 West 350 North – total of 28 units – Canyon View Villas Phase 2 - Rick Christensen applicant

Gerald Pratt stated he had received a copy of the staff report. He explained this phase is just south of Phase 1 and would be located on a little over 15 acres. He stated they are bounded by sixty foot master planned roads on the south and east portions of the property. There will be about eight units per acre. He stated they are working on a traffic study now and will look at additional places for additional parking and dumpsters. Bob Petersen stated there is a lot of JUC comments and a lot of work needs to be done with the land itself. He mentioned his concerns are the same as the staff comments regarding an exit. Toni Foran stated she showed the layout to the Fire Chief and he felt that since there are two public roads and only 120 feet driveway they didn't have any concerns. Mr. Petersen asked how many total phases there would be for the project. Rick Christensen stated three phases. He explained they have two different products and they want to see what the demand is before they get too far into the project. He stated they will see what sells the best and then design the remainder of the project. Mr. Petersen stated one of the staff comments states a preliminary site plan for the whole project is needed. Mr. Christensen stated they brought a handout to show the overall project including open spaces. Mr. Petersen asked what would be in the open spaces. Mr. Christensen stated playgrounds. He stated there will be a mixture of one and two story homes.

Ralph Ballard asked if the shared or common driveways were open enough to make it work. Ms. Foran stated she doesn't think it is. She stated there is nothing in the CCR's to prohibit cars from parking on the driveway making it hard to access. She stated she likes the layout with the patios but she has a concern with the access. Mr. Pratt stated he can open things up and make it better. He thinks they have room to adjust things around. Mr. Christensen stated that was a concern in phase 1 as well so they tried to lay it out with the same parameters to make it work. Mr. Petersen asked Ms. Foran if the police department had received a lot of complaints from Grand Legacy. Ms. Foran stated not from the police but they have from home owners. Mr. Christensen stated that is something they can address in the CCR's as well. Ms. Foran asked if the Planning Commission was willing to accept a preliminary site plan for one phase of a project that already has a preliminary plat for the entire property. Mr. Petersen stated they need to see the whole project with more details. Paul Farthing stated without dimensions it is hard to see if there is enough access room. Mr. Ballard stated they have the option to approve the application with all the comments or have the applicant come back with the corrections. Ms. Foran asked City Attorney Reber if the old preliminary plat needs to be voided before they move forward with anything else. Mr. Reber stated yes. Mr. Pratt stated they will take what was handed out and will make it presentable. He would like to talk to client to see what he wants before moving forward. Mr. Christensen stated they don't want to be tied down to something that won't sell. Commissioners discussed different options for the applicant. Ms. Foran stated someone has to void the plat that is currently approved before any final plat or site plan can be approved. She stated they could have a written statement from the current owner stating they will void their application if Mr. Christensen's application is approved. *Yovonda Hall motioned to table application 2015-PSP-06 until applicant brings back all the needed documents. Paul Farthing seconded the motion. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

2015-GPA-01 Consideration and possible recommendation to the City Council on the General Plan Map Amendment for the area described above from “Multi-Residential Types” to “Single Family Residential” - Hurricane City applicant

Toni Foran stated this has been advertised and letters were sent out to property owners. Darin Larson and Ms. Foran stated they both had received questions about what the letter meant. Ms. Foran explained she tried to create a straight line around the effected properties so it wasn't random properties that were changed. Commissioners discussed what properties were affected. *Yovonda motioned to recommend approval of application 2015-GPA-01 including all lots as shown on the map. Branden Anderson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

2015-LUCA-2 Consideration and possible recommendation to the City Council on an ordinance amending the Hurricane City Code, Title 10, Land Use, Chapter 3 Definitions, Chapter 13 Residential Zones, and Chapter 14 Residential Agricultural Zones, Chapter 34, Off Street Parking and Loading, and Chapter 51, Bed and Breakfast Facilities, to facilitate development of bed and breakfast and residential hosting facilities in single family homes. – Hurricane City applicant

Toni Foran stated the sections that need to be discussed are if residential hosting should be allowed on dirt roads and what zones should include the use as permitted. She mentioned that Ryan Cashin stated if the Commissioners allow the use with a conditional use permit in smaller zones, then they need to include language that the conditional use permit goes with the applicant not the land. Ralph Ballard asked if they could require a certain size lot with a conditional use permit. He stated that would eliminate people before they come in if their lot was too small. Ms. Foran recommended updating the conditional use permit ordinance before they allow them by conditional use permit. Mr. Ballard asked Mr. Reber if they could allow the use with a conditional use permit if the lot size met a set standard. Mr. Reber stated that isn't typically how it is done. Bob Petersen clarified if the Commissioners want to allow residential hosting with a conditional use permit, the ordinance would have to be updated first. Ms. Foran explained if residential hosting is allowed by conditional use then the language would need to be updated specifically for residential hosting. Branden Anderson stated he thinks it should stay how it was originally written; where residential hosting is not permitted in smaller zones and not allowed on dirt or gravel roads. Paul Farthing agreed. Yovonda Hall stated it is a commercial use and should require more than a residential use. Mr. Ballard asked about potential litigation if they are not allowed on dirt roads. Mr. Reber stated that is always a possibility. He stated they need to have a rational basis as to why it isn't allowed and include the reason in the motion. Commissioners discussed the reasoning is more a dust issue not a fire department issue. Ms. Hall stated if they are allowed on dirt roads then they are asking all neighbors around that business to suffer so the business can benefit because they would be more negatively affected on a dirt road than a paved road. Mr. Reber questioned how much dust it could create. Mr. Petersen asked how many dirt streets were in the City that would apply to this. Ms. Foran stated they would to research that. *Branden Anderson motioned to recommend approval of application 2015-LUCA-2 to the City Council as originally written. Yovonda Hall seconded the motion. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Nay, and Paul Farthing-Aye. Motion carried.*

2015-FSP-10 Consideration and possible approval of a final site plan for a storage/light manufacturing site located in a temporary building on a lot at 473 North Old Highway 91 – Jay Crosby-Desert Ridge properties applicant

Jay Crosby presented the site plan. He thanked the City staff for getting it in on this agenda. Bob Petersen asked if he had seen the staff comments. Mr. Crosby stated yes. Branden Anderson asked how they would facilitate the drainage and dust control. Mr. Crosby stated this site has been developed for about three years and as they have had heavy rains over the years it drains to the north corner. He stated there is a natural basin there and it doesn't

puddle by the buildings. Mr. Anderson asked if he was referring to where the future detention pad shows. Mr. Crosby stated yes. Mr. Anderson asked if he would pick a different tree for the landscaping. Mr. Crosby stated he is open to suggestions. He stated he doesn't want to deviate from the rest of the property but is willing to do something similar. Toni Foran suggested having Star Nursery recommend something that would work. *Branden Anderson motioned to approve application 2015-FSP-10 subject to staff comments and recommendations; 1. The landscaping plan is showing installation of new trees along the Old 91 frontage in front of the storage yard. Trees are required along street frontage and are shown every 45' on this plan. Since this is not the final use for this property, the trees can be considered the first phase of the landscaping plan to be completed when buildings are built on this site in accordance with the original plan for the site. 2. Another species of tree should be chosen for this site. Ash Trees are no longer recommended for new plantings in Utah due to the expected movement of the Emerald Ash Borer into the state. This pest has already destroyed tens of millions of trees in other states. 3. Parking is required at a rate of 1 per 1,000' or 1 per each employee on the highest shift. This building would only require 2 parking spaces. The number of employees is not known but 7 parking stalls have been provided. 4. The applicant is showing gravel in the parking area and storage area. This should facilitate drainage. A method to ensure no dust is created is recommended. 5. No lighting is shown and no lighting is expected to be installed. 6. The building is shown with new 8' x 20' sliding doors with wood siding to enclose the ends. 7. Site plan can comply with landscaping, and off street parking requirements of the Land Use Code. 8. Property is zoned M-1 and limited manufacturing is permitted in the zone. 9. And subject to the following conditions: Landscaping be maintained, Manufacturing activities and storage activities do not create airborne dust or sawdust that impact other properties, including I-15 and Old 91, a business license is issued after improvements are complete and before work commences on the site, and a building permit is obtained for the electrical work on the site. Paul Farthing seconded. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

Discussion item 1 Discussion with Scott Wilson regarding property zoned R-1-15 on a slope at the east end of 1000 South

Toni Foran stated Scott Wilson has been in to discuss different possibilities on his property. She explained Mr. Wilson spent a lot of time and effort around 2006 creating a plat for this property that had two building lots. She stated she asked Mr. Wilson to come to the Planning Commission to get their opinion on possibilities of this property. Scott Wilson stated he purchased this property in 2005. The property dead ends on 1000 South against the hill. It is just over 3 acres. He stated he was hoping to get 3 or 4 homes on the property. It has beautiful views as it sits up about fifteen feet off of the street. He explained he went through the preliminary plat process and the City Council went and walked the property at one time. He had it down to two properties but the time lapsed and the approval voided. He explained as he has been looking at doing something with it again, he realized the numbers aren't feasible to only build two homes. He asked if he could he do multifamily on this property because it would be more financially feasible and less of an impact to the hill. He stated he originally did a drainage and impact study. He stated he would like to do a minimum of three homes or an eight plex. Ms. Foran stated the current zoning is R1-15 and the General Plan shows Single Family Residential. Ralph Ballard asked how much of the property was usable. Ms. Foran stated the majority of the property has a 30% slope. Bob Petersen stated he can't see it working any different than the two homes that were originally approved. Mr. Wilson stated a comment he received from Arthur LeBaron in the past was that by developing this property it could help the properties below by catching some of the drainage. He stated his report shows they should be fine to tie into the storm drainage. Mr. Wilson stated the challenge is he doesn't know if he could even get the original two lots approved again. Paul Farthing stated he doesn't think it should be rezoned to multifamily just to make it financially feasible. Mr. Petersen stated there is a Hill Side Ordinance that restricts building on hillsides. Mr. Wilson asked if he moves forward, should he only propose the original two homes. He asked if it would be difficult to get it reapproved. Mr. Petersen stated he thought it could move forward. Ralph Ballard stated he would rely some on the leg work that was done previously. Branden Anderson stated it should be the same

unless something has changed. Ms. Foran stated the only thing that has changed is the Fire District is separate so they might have different requirements. Yovonda Hall asked if the slopes had changed. Ms. Foran stated Mr. Wilson's first application was approved under the current ordinance. Mr. Petersen stated he thought the Fire Department approved a 24 foot drive accessing the second pad. Ms. Foran stated she thought they required a turn around. Mr. Wilson stated the revision showed a flag lot to allow fire access. He thanked the Commissioners for their time and stated he will come back with an application if the numbers are feasible.

Discussion item 2 Discussion with Daniel Sanger regarding use regulations on property zoned General Commercial located at approximately 90 North at 1510 West State Street.

Toni Foran stated an explanation for this item was included in the packet and Daniel Sanger has provided a map showing what they would like to do with the property. She stated the property owner desires open storage, however, the only open storage that has been approved so far was in M-1 zone and the owner spent a lot of time finding property in that zone to make it work. She stated this is a unique property and wasn't sure if the Commissioners felt a zone change would be acceptable to allow the open storage or if they wanted to allow open storage in the General Commercial zone. She mentioned there is a small access issue that would have to be addressed but either way the applicant would have to come back with a site plan application. Daniel Sanger stated they think it meets zone because it is only a RV storage. There will be no parking for clients or buildings. He explained it would be an extension of Nielson RV and they would have a tenant there to park the RV's. He stated staffs feels this use is open storage but they think it would be equipment rental and sale which is allowed in that zone. He stated they have submitted a simple site plan. He explained they would only need to level the ground, apply cinders, and put up a chain link fence and gate. Bob Petersen asked where the property was located. Mr. Sanger clarified the location. Ralph Ballard asked if the access would be off of SR9. Mr. Sanger stated yes.

Ms. Foran explained the property was rezoned to General Commercial because the previous owner wanted enclosed storage. Neilson development's consultant, Tyler Hoskins, asked if M-1 was a Manufacturing Zone and it was clarified it is Light Industrial. Mr. Hoskins stated he thinks storage fits more in a commercial zone not an industrial zone. Bob Petersen asked if the trailers would be inventory. Mr. Sanger stated some would be inventory and some would be consignment for people that want to park there. Yovonda Hall asked if the Nielson RV property and this property were connected. Mr. Sanger stated no. They are both accessed from SR-9; Goulds Wash is in between them. Mr. Ballard stated there is nothing currently on the site besides used tires. Mr. Sanger stated research shows access is done by parking stalls but there is no parking needed. He stated it was approved before so they feel it should be again. The group discussed access to the property until Ms. Foran stated the access isn't the discussion at this point; it is allowing open storage in a General Commercial zone. Mr. Farthing questioned what kind of precedence it would this set if it was allowed. Ms. Foran stated it would open up the whole downtown for open storage. Darin Larson stated it is same as Nielson RV that is already approved in General Commercial. Ms. Foran stated that property is zoned Highway Commercial and would not have been allowed if it wasn't associated with the sales portion of the business. Mr. Sanger asked if this property could be the same as Nielson RV. Ms. Hall stated there wouldn't be a sales office on this property. Mr. Farthing stated Nielson RV is one property and looks nice but if storage is randomly everywhere then it starts looking bad. Mr. Sanger stated he didn't understand why this one property was zoned differently than the surrounding properties. Ms. Foran explained the previous owners obtained a zone change to allow them to do the covered storage, which is not permitted in the highway commercial zone. Commissioners discussed if it was vehicle sales or storage. Mr. Ballard stated he isn't concerned with the proposed use other than the access. He stated having something on the lot is better than what is currently there. Discussed fire issues. Mr. Hoskins asked what the solution is and what they can do to move forward. Mr. Sanger stated they could meet with fire department to discuss access and a possible turn around. Ms. Foran stated they don't want to submit a site plan if the Commissioners aren't going to allow this use in the zone. She stated they don't need to talk to the fire department if the Commissioners aren't going to allow them to be there. Mr. Anderson stated his concern is the

zoning and thinks it should be followed. He stated if they allow this then they are opening the door to allow people to not follow the zone. He asked if they have the option of rezoning the property to allow them to do this use. Ms. Foran stated they would have to show findings that showed why this property was unique and not viable as General Commercial. Mr. Sanger questioned why it wouldn't work if it was zoned the same as Nielson RV and had the same use on the lot. Mr. Ballard pointed out the properties are not connected. Mr. Hoskins stated SR-9 is all Highway Commercial. Mr. Farthing stated Nielson RV qualifies as highway commercial but storage does not. Mr. Anderson stated he doesn't have problem with the use but he thinks the zoning needs to be followed. Mr. Hoskins asked where this type of business could go if it can't go there. Ms. Foran stated 2260 West is a M-1 zone. Mr. Petersen asked the Commissioners if they felt it was a viable use if fire access and zoning can be resolved. Commissioners agreed. Ms. Foran agreed this property is not going to be a viable commercial site because of the visibility. Mr. Sanger asked what they needed to do from this point. Mr. Petersen stated the key issues are doing a zone change and determining the fire access. Ms. Hall asked if they needed to rezone it to Highway Commercial. Ms. Foran stated M-1 is where open storage is allowed not Highway Commercial. The group discussed putting a block wall in between the residential areas and this lot. Mr. Sanger explained they will have an attendant parking the vehicles and prepping the RV's for storage but it will mostly be used for inventory. Mr. Ballard asked if the RV owners would have access to their RV if they needed stuff out of them. Mr. Sanger stated the attendant could walk the owner to their RV. Mr. Petersen asked how many vehicles would be on the property. Mr. Sanger stated they would have to talk to fire department to see what they would allow. Mr. Ballard suggested limiting this property to inventory only so there is no public access. Mr. Sanger stated they can do no public access but it is big revenue for them to be able to store RV's. Mr. Reber suggested changing the zone to M-1. Ms. Foran stated she thinks the General Plan would have to be changed first. Ms. Foran stated if they don't want to allow all light industrial uses on this property, then they could put requirements on the property to only allow this type of use. Ms. Foran stated the first step will be to do a General Plan amendment and the Commissioners could vote on if they will accept the application in January instead of February. *Ralph Ballard motioned the Commissioners will accept a general plan amendment application in January instead of February. Branden Anderson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

Commission Work Session:

1. Discussion on proposed language change to Land Use Code pertaining to driveways on corner lots in residential zones. Toni asked if the Commissioners had a chance to see the ordinance drafts. She explained if a code is being discussed then the building permits that come through can be approved to the proposed standards. She stated the changes will keep a safe sight triangle so 25 feet from the curvature isn't as critical.
2. Continued discussion regarding zone changes in areas of collapsible/expansive soils. Continued.
3. Pass out Conditional Use Permit training materials. Continued.
4. Schedule training on Conditional Use Permits and Open Meeting Act. Toni stated Fay went to training on Conditional Use Permits and they would like to review what he learned.

Staff and Commission concerns and updates

Toni stated vacation rentals has been to City Council twice and tabled both times. She stated at the last meeting they looked at other cities' ordinances. The Council gave it back to Toni to update with some of changes. Fay stated they are still struggling with the enforcement issues. Toni stated it is back on the agenda to pass changes or extend the moratorium. Discussed the distance requirement.

Approval of minutes: Yovonda motioned to approve October 28, 2015 minutes as written. Bill Wilkey seconded the motion. *The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Abstained, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

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Yovonda Hall had one correction. Branden Anderson motioned to approve the November 12, 2015 minutes with the correction. Paul Farthing seconded the motion. *The vote was as follows; Yovonda Hall-Aye, Bob Petersen-Aye, Bill Wilkey-Aye, Branden Anderson-Aye, Ralph Ballard-Aye, and Paul Farthing-Aye. Motion carried.*

Meeting Adjourned at 8:01 p.m.